

RECEIVED
CENTRAL FAX CENTER

SEP 22 2004

PATENT
ATTORNEY DOCKET NO.: PRB-1
CUSTOMER NO: 36038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
R. Porubcan

Serial No. 10/743,402

Filed: 12/22/2003

For: Formulations to Increase *in vivo*
Survival of Probiotic Bacteria and
Extend Their Shelf-Life

)
)
)
)
) I hereby certify that, on the date indicated below,
) this correspondence was sent by fax to the
) Commissioner for Patents, at (703) 872-9306.

) By: 

) Date: 9/22/04

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants submit the US Patent document listed on the attached PTO 1449. This Information Disclosure Statement is being filed (as checked below):

within three months of the filing date of the above-referenced application

___ within three months of the date of entry of the national stage in a § 371 application; or

X before the mailing of a first Office Action on the merits for the above-referenced application.

No copies of the US patents listed on the attached form are included pursuant to the applicable rules.

Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached PTO 1449 form.

This submission does not represent that: (i) Applicant has read or analyzed any of the documents cited herein, except as otherwise provided; (ii) a search has been conducted; (iii) that no other documents exist which may be material to the examination of this application exist; or (iv) that any of the listed documents, or any part thereof, are material or constitute prior art under title 35 of the United States Code. Applicant reserves the right to present evidence and arguments to counter an assertion that any such documents are prior art, and/or to establish the patentability of the claimed invention.

Respectfully Submitted,

BY: 

Eric P. Mirabel
Reg. No. 34,211
Bioarray Solutions, Ltd.
35 Technology Drive
Warren NJ 07059
(908) 226 8200 (ext 203)

Please type a plus sign (+) inside this box

PTO/SB/08A (08-00)
 Approved for use through 10/31/2002. OMB 0651-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) SHEET <input type="text" value="1"/> OF <input type="text" value="1"/>	<i>Complete If Known</i>	
	Application Number:	10/743,402
	Filing Date:	12/22/2003
	First Named Inventor:	Porubcan
	Group Art Unit:	
	Examiner Name:	
Attorney Docket Number: PRB-1		

Examiner Initials	U.S. Documents		U.S. Patent Document Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number			
	6,531,152		Lerner et al.	3/11/2003

FOREIGN DOCUMENTS						
Examiner Initials	Foreign Patent Documents			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation
	Office	Number	Kind Code (if known)			

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.